

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA FOURTH DIVISION

In re:  
AARON A SMITH  
MELAKA P SMITH

MODIFIED  
CHAPTER 13 PLAN

Dated: April 3, 2014

DEBTOR

Case No. 14-40376

*In a joint case,  
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- After the date of this plan, the debtor will pay the trustee \$ 450.00 per Month for 55 months, beginning February 2014 for a total of \$ 24,750.00 . The minimum plan payment length is X 36 or    60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee
- The debtor will pay the trustee a total of \$ 24,750.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 2,475.00 , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
a. SANTANDER	\$ <u>140.00</u>	<u>4</u>	\$ <u>560.00</u>
a. TOTAL			\$ <u>560.00</u>

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
-NONE-	

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
-NONE-	

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$ <u>  </u>	\$ <u>  </u>	<u>  </u>	<u>  </u>	\$ <u>  </u>
a. TOTAL					\$ <u>0.00</u>

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e) ] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$ <u>  </u>	\$ <u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	\$ <u>  </u>
a. TOTAL						\$ <u>0.00</u>

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts)	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a. SANTANDER	\$ 17,317.00	\$ 12,225.00	5	5	\$ 305.00	44	\$	13,404.00	\$	560.00	\$	13,964.00
b. TOTAL											\$	13,964.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 2,499.00	\$ 265 / 100	1 / 5	4 / 15	\$ 2,499.00
b. Domestic Support	\$	\$			\$
c. Internal Revenue Service	\$ 2,486.00	\$ pro rata			\$ 2,486.00
d. Minn Dept of Revenue	\$ 2,877.00	\$ pro rata			\$ 2,877.00
e. TOTAL					\$ 7,862.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. -NONE-						\$
a. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 449.00 [line 1(d) minus lines 2, 6(a), 7(a), 8(c), 9(e) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 5,092.00 .  
b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 59,529.00 .  
c. Total estimated unsecured claims are \$ 64,621.00 [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** — The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

CAPITAL ONE/YAMAHA - The debtor will surrender the 2012 Yamaha YZF-R6 motorcycle to the Creditor in full satisfaction of the secured claim. Creditor shall be allowed an unsecured claim for the deficiency balance owed.

14. **SUMMARY OF PAYMENTS** —

Trustee's Fee [Line 2]	\$	2,475.00
Home Mortgage Defaults [Line 6(a)]	\$	0.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(c)]	\$	13,964.00
Priority Claims [Line 9(e)]	\$	7,862.00
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	449.00
<b>TOTAL [must equal Line 1(d)]</b>	\$	<b>24,750.00</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

Robert J. Hoglund 210997  
Hoglund, Chwialkowski & Mrozik P.L.L.C  
1781 West County Road B  
PO Box 130938  
Roseville, MN 55113  
(651) 628-9929  
210997

Signed /s/ AARON A SMITH

AARON A SMITH  
DEBTOR

Signed /s/ MELAKA P SMITH

MELAKA P SMITH  
DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: Bkry Case No: 14-40376  
Aaron A. Smith Chapter 13  
and  
Melaka P. Smith  
Debtor(s).

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**NOTICE OF FILING MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION**

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TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE that the debtor(s), pursuant to Local Rule 3015-2(a) have filed the attached modified the Chapter 13 Plan. The Hearing on Confirmation of the Modified Plan is scheduled for May 1, 2014 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 7 West, Seventh Floor, 300 South 4<sup>th</sup> Street, Minneapolis, Minnesota.

Any objection to this Modified Plan must be served by delivery not later than 24 hours prior to the time and date set for the confirmation hearing or mailed not later than three days prior to the date set for the confirmation hearing.

Dated: April 18, 2014

HOGLUND, CHWIALKOWSKI & MROZIK, PLLC

Signed: /e/ Robert J. Hoglund

Robert J. Hoglund #210997  
Keith Chwialkowski #210134  
Marie F. Martin #287040  
Jeffrey J. Bursell #293362  
Kristen M. Whelchel #339866

Attorney for Debtor(s)  
1781 West County Road B  
P.O. Box 130938  
Roseville, Minnesota 55113  
Telephone Number: (651) 628-9929

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

Bkry Case No: 14-40376

Aaron A. Smith

Chapter 13

and

Melaka P. Smith

**UNSWORN CERTIFICATE**

Debtor(s).

**OF SERVICE**

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I, Sarah M. Anderson, employed by Hoglund, Chwialkowski & Mrozik, PLLC, attorneys licensed to practice law in this Court, with office address of 1781 West County Road B, Roseville, Minnesota 55113, declare that on April 18, 2014, I served the Modified Chapter 13 Plan and Notice of Filing Modified Plan Prior to Confirmation to each of the entities named below by first class mail postage prepaid and to any entities who are Filing Users by automatic e-mail notification pursuant to the Electronic Case Filing System:

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Aaron A. Smith  
Melaka P. Smith  
8357 Newton Ave N  
Brooklyn Park, MN 55444

And to all creditors/parties in interest listed on matrix (see attached)

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I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: April 18, 2014

Signed: /e/ Sarah M. Anderson  
Paralegal

ACE CASH EXPRESS  
6219 BROOKLYN BLVD  
BROOKLYN CENTER MN 55429

ALLIED INTERSTATE  
PO BOX 5023  
NEW YORK NY 10163-5032

ALLINA HEALTH  
PO BOX 77008  
MINNEAPOLIS MN 55480

AMERICAN ACCOUNTS & ADVISERS  
INC  
7460 80TH ST S  
COTTAGE GROVE MN 55016

APELLES  
PO BOX 1197  
WESTERVILLE OH 43086-1197

ARMY & AIRFORCE EXCHANGE SERVICE  
ATTN FA-E/COLLECTIONS  
PO BOX 66056  
DALLAS TX 75265-0056

ARMY AIRFORCE EXCHANGE  
3911 S WALTON WALKER BLVD  
DALLAS TX 75236-1509

CAPITAL ONE  
PO BOX 30281  
SALT LAKE CITY UT 84130-0281

CAPITAL ONE BANK  
PO BOX 85133  
RICHMOND VA 23285-5133

CAPITAL ONE/YAMAHA  
PO BOX 30281  
SALT LAKE CITY UT 84130-0281

CBE GROUP INC  
1309 TECHNOLOGY PKWY  
CEDAR FALLS IA 50613

COLLECTION RESOURCES  
PO BOX 2270  
2700 1ST ST N STE 303  
SAINT CLOUD MN 56302-2270

COMCAST  
10 RIVER PARK PLZ  
SAINT PAUL MN 55107-1219

COMCAST CABLE  
PO BOX 3002  
SOUTHEASTERN PA 19398-3002

CREDIT COLLECTION SERVICES  
2 WELLS AVENUE  
NEWTON MA 02459

DIRECTV  
PO BOX 78626  
PHOENIX AZ 85062-8626

DIRECTV INC  
PO BOX 78626  
PHOENIX AZ 85062-8626

EMERGENCY PHYSICIANS  
56001 W 80TH ST SUITE 300  
MINNEAPOLIS MN 55437

EMERGENCY PHYSICIANS PA  
5435 FELTL RD  
MINNETONKA MN 55343

ENHANCED RECOVERY CO LLC  
8014 BAYBERRY RD  
JACKSONVILLE FL 32256-7412

FIRST NATIONAL COLLECTION BUREAU  
610 WALTHAM WAY  
SPARKS NV 89434

FIRST PREMIER BANK  
PO BOX 5524  
SIOUX FALLS SD 57117-5524

HEALTH PARTNERS  
PO BOX 77026  
MINNEAPOLIS MN 55480-7026

HEALTH PARTNERS  
PO BOX 1450 NW 7293  
MINNEAPOLIS MN 55485-7293

HSBC BANK  
PO BOX 5253  
CAROL STREAM IL 60197-5253

INTEGRITY SOLUTION SVCS  
7825 WASHINGTON AVE S STE 200  
MINNEAPOLIS MN 55439

INTERNAL REVENUE SERVICE  
PO BOX 621501  
ATLANTA GA 30362-1501

JC CHRISTENSEN & ASSOCIATES INC  
PO BOX 519  
SAUK RAPIDS MN 56379-0519

MERCY HOSPITAL  
PO BOX 1391  
MINNEAPOLIS MN 55480-1391

METROPOLITAN HEART AND VAC  
INSTITUTE  
4040 COON RAPIDS BLVD NW  
MINNEAPOLIS MN 55433

MIDLAND CREDIT MANAGEMENT INC  
PO BOX 60548  
LOS ANGELES CA 90060-0548

MIDLAND FUNDING LLC  
16 MCLELAND RD STE 101  
SAINT CLOUD MN 56303

MN DEPARTMENT OF REVENUE  
PO BOX 64054  
SAINT PAUL MN 55164-0054

MONARCH RECOVERY MANAGEMENT  
PO BOX 21089  
PHILADELPHIA PA 19114-1089

NORTH MEMORIAL HEALTHCARE  
PO BOX 1640  
MINNEAPOLIS MN 55480-1640

PARK NICOLLET  
PO BOX 9158  
MINNEAPOLIS MN 55480

PARK NICOLLET  
PO BOX 9158  
MINNEAPOLIS MN 55480-9158

PARK NICOLLET CLINIC  
PO BOX 9104  
MINNEAPOLIS MN 55480-9104

PARK NICOLLET HEALTH SERVICES  
3800 PARK NICOLLET BLVD  
SAINT LOUIS PARK MN 55416

PIONEER SERVICES  
PO BOX 10487  
KANSAS CITY MO 64171-0487

PIONEER/MAC INC  
4000 S EASTERN AVE STE 300  
LAS VEGAS NV 89119-0826

PREMIER BANK CARD LLC  
301 CENTRAL AVE  
OSSEO MN 55369

PROGRESSIVE  
DEPT 0561  
CAROL STREAM IL 60132-0561

RASHEENA HARRIS  
3733 PENN AVE N  
MINNEAPOLIS MN 55412

RELIANCE RECOVERY  
PO BOX 29227  
MINNEAPOLIS MN 55429-9227

ROTO ROOTER SERVICES  
JNR ADJUSTMENTS  
PO BOX 27070  
MINNEAPOLIS MN 55427-7070

SANTANDER  
PO BOX 660633  
DALLAS TX 75266-0633

SANTANDER CONSUMER  
8585 N STEMMONS FWY STE 1100  
DALLAS TX 75247

SOUTHWEST CREDIT  
PO BOX 142589  
AUSTIN TX 78714-2589

SPRINT  
PO BOX 530503  
ATLANTA GA 30353-0503

TMOBILE  
PO BOX 53410  
BELLEVUE WA 98015-3410

TMOBILE  
PO BOX 37380  
ALBUQUERQUE NM 87176-7380

US BANK  
CAPITAL MANAGEMENT SERVICES LP  
698 1/2 S OGDEN ST  
BUFFALO NY 14206-2317

USA DISCOUNTERS  
3320 HOLLAND RD  
VIRGINIA BEACH VA 23452

VETERANS ADMIN  
PO BOX 1930  
SAINT PAUL MN 55101-1930

MN Dept of Revenue  
Bankruptcy Section  
PO Box 64447  
St. Paul, MN 55164-0447

Qwest Corporation DBA Centurylink  
Centurylink Bankruptcy  
700 W Mineral Ave, Arizona Room  
Littleton, CO 80120

American InfoSource LP as agent for  
Midland Funding LLC  
PO Box 268941  
Oklahoma City, OK 73126-8941

US Bank N.A.  
Bankruptcy Department  
PO Box 5229  
Cincinnati, OH 45201-5229

Quantum3 Group LLC as agent for  
ACE Cash Express INC  
PO Box 788  
Kirkland, WA 98083-0788

Pioneer Military Lending  
Bky Dept  
4700 Belleview Ste 300  
Kansas City, MO 64112

Santander Consumer USA  
PO Box 560284  
Dallas, TX 75356-0284

Jefferson Capital Systems, LLC  
PO Box 7999  
St. Cloud, MN 56302-9617

Premier Bankcard / Charter  
PO Box 2208  
Vacaville, CA 95696

## UNITED STATES BANKRUPTCY COURT

## DISTRICT OF MINNESOTA

Bankruptcy Case Number: 14-40376

In re:

Aaron A. Smith,

and

Melaka P. Smith,

Debtor(s).

## SIGNATURE DECLARATION

- ( ) PETITION, SCHEDULES & STATEMENTS  
 ( ) CHAPTER 13 PLAN  
 ( ) SCHEDULES & STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
 ( ) AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
 (X) MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING  
 ( ) OTHER:

(X) **VERIFICATION:** I (we), Aaron A. Smith and Melaka P. Smith debtor(s) named in the attached documents, declare under penalty of perjury that the foregoing is true and correct.

I[We] Aaron A. Smith and Melaka P. Smith, the undersigned debtor(s) or authorized individual, *hereby declare under penalty of perjury* that the information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct. I consent to my attorney electronically filing my petition, a scanned image of this declaration, statements, and schedules, amendments, and/or chapter 13 plan, as indicated above, with the United States Bankruptcy Court. I understand that a scanned image of this declaration is to be converted to PDF, and either inserted as the last page in the electronic submission or electronically submitted within five days after the above-named document have been electronically submitted.

[ ] [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under Chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

[ ] [If petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Date: 4/9/14

A. Smith  
 Signature of Debtor or Authorized Individual

Aaron A. Smith  
 Printed Name of Debtor or Authorized Individual

Melaka Smith  
 Signature of Joint Debtor

Melaka P. Smith  
 Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI & MROZIK, PLLC

Signed: /s/ Robert J. Hoglund  
 Robert J. Hoglund #210997  
 1781 West County Road B  
 P.O. Box 130938  
 Roseville, Minnesota 55113  
 Telephone Number: (651) 628-9929